

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
ROMAN ARAGON et al.,	)	
	)	Subfile No. CHCB-005-0004
Defendants.	)	
	)	

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ORDER

THIS MATTER is before the Court on the Request for Hearing and Response to Order to Show Cause, and Objection to Subfile CHCB-005-0004 Survey of Irrigated Land Map and the Position or Delination [sic] of the Trujillo Lopez Ditch as Opposed to the Original Subpoena (“Request”), filed by Defendant Mario R. Martinez September 8, 2008 (Docket No. 9286).

The Court FINDS:

1. The Request was timely;
2. The Request fails to describe Defendant’s objection to the description of water rights under Subfile No. CHCB-005-0004 as offered by the State of New Mexico, ex rel. State Engineer; and
3. Defendant’s objection should be heard before the Special Master.

IT IS ORDERED, THEREFORE,

1. This matter is remanded to the Special Master, who shall promptly set a hearing on Defendant’s Request, take evidence and hear argument from both parties.

2. The failure of Defendant to comply with this Order and subsequent orders of the Court and Special Master shall result in the entry of a subfile order incorporating the State's description of the nature and extent of Defendant's water rights.

IT IS SO ORDERED.

  
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UNITED STATES DISTRICT JUDGE